

James E. Mercante (JM 4231)
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ACE AMERICAN INSURANCE
COMPANY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil No. 07 cv 2761 (RPP)

MARK DeGEORGE

Plaintiff,

**AFFIDAVIT OF
JAMES E. MERCANTE**

-against-

ACE AMERICAN INSURANCE COMPANY,

Defendant.

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

James E. Mercante, being duly sworn, deposes and says:

1. I am a member of the law firm of RUBIN, FIORELLA & FRIEDMAN LLP, attorneys for defendant, ACE AMERICAN INSURANCE COMPANY ("ACE"), and I am fully familiar with the facts of this matter.
2. The following exhibits are submitted in support of ACE's motion for summary judgment:

LIST OF EXHIBITS

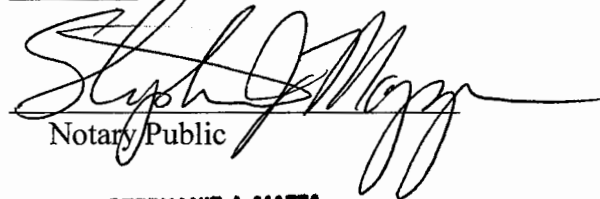
Exhibit 1 - Excerpts from the transcript of plaintiff Mark DeGeorge's Examination Under Oath, dated March 21, 2006.

Exhibit 2 - Marine insurance policy issued by ACE to DeGeorge for the period June 23, 2005 to June 23, 2006.

Exhibit 3 - ACE's Declination of Coverage Letter, dated May 24, 2006.


JAMES E. MERCANTE

Sworn to before me this
13 day of October, 2007.


Notary Public

STEPHANIE J. MAZZA
Notary Public, State of New York
No. 01MA6139666
Qualified in Richmond County
Commission Expires January 17, 2010 